

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>GREGORY BLACKWELL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>1:10CV288</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant(s).</b>	)	

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on April 22, 2010, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that this action is dismissed without prejudice to Plaintiff filing a civil complaint, on the proper Motion for Return of

Property forms, correcting the defects set out in the Order and Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 28<sup>th</sup> day of March, 2011.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge